

Statement made on behalf of: The Commissioner of Police of the Metropolis

Witness: Caroline Goode

Statement No: 1

Exhibits Referred to: N/A

Date Statement Made: 27th August 2013

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
DIVISIONAL COURT

CLAIM No: CO/1732/2013

R (on the application of)
David Miranda

Claimant

(1) The Secretary of State for the Home Department

First Defendant

(2) The Commissioner of Police of the Metropolis


Second Defendant

Witness: Caroline Goode


Occupation: Police Officer

Address: New Scotland Yard, London, SW1H 0BG

I believe the facts stated in this witness statement are true

Signed... ... DETECTIVE SUPERINTENDENT

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1. I am a Detective Superintendent in the Metropolitan Police Service (MPS) currently attached to SO15, the MPS Counter-Terrorism Command.

SIGNED  DATED 27.8.2013


2. I am the Senior Investigating Officer (SIO). My role is to set the strategic direction for the investigation, a summary of which is set out below, outlining objectives and potential lines of enquiry and ensuring that the investigation is carried out lawfully and expeditiously. I am responsible for all strategic and tactical decisions throughout the investigation. My immediate line manager is the Head of Operations for SO15 and ultimately I am answerable to the Commissioner of Police of the Metropolis.
3. I am authorised to make this witness statement on behalf of the Second Defendant in opposition to the Claimant's application for interim relief in these proceedings. I make this statement from my own knowledge and where matters are not within my own knowledge, from information and documents made available to me and from consultation with other agencies.
4. This statement is made in order to address issues arising from the Claimant's application for interim relief dated 21st August 2013. Evidence in support of the substantive claim for judicial review will be served, as the Court has ordered (Order of Beatson LJ and Kenneth Parker J dated 23rd August 2013) on the 12th September 2013.
5. The history of these proceedings is succinctly set out in paras 3 and 4 of the Divisional Court judgment dated 23rd August. Save where necessary, I will not repeat this here.

SIGNED G. J. T. F. DATED 27.8.2013

6. At the hearing of the interim relief application on the 22nd August 2013, the MPS announced that based on its assessment of at least some of the material that was seized from Mr Miranda on the 18th August 2013, it had commenced a criminal investigation.
7. The effect of the Order made by the Court on the 23rd August, however, prevents the MPS from fully carrying out this criminal investigation and therefore runs the risk of the MPS failing properly to perform its statutory function to prevent and detect crime. As the Order is presently drafted it may, arguably, prevent investigation of the section 40(1)(a) TACT offences and would certainly prevent further access to the material for the purposes of investigating offences contrary to the 1911 and 1989 Official Secrets Acts.
8. The material seized from Mr Miranda is currently under examination by SO15, with the assistance of other government agencies, within the terms permitted by the Court Order.
9. We have examined all of these things separately and I have assessed that all of them may be needed for use as evidence in criminal proceedings.
10. One of the things seized was an external hard drive. This contained data that was heavily encrypted using a form of encryption known as 'True Crypt' which renders the material extremely difficult to access. The hard drive contains approximately 60 gigabytes of data, of which only 20 have been accessed to date. The remainder is encrypted and officers are working with experts from other agencies to try and obtain access to that material.

SIGNED Chadwick DATED 27.8.2013

11. From the material that has been accessed so far, I am told that the hard drive contains approximately 58,000 UK documents which are highly classified in nature, to the highest levels. The disclosure of this material would be gravely injurious to UK interests, would endanger lives, pose a significant risk to public safety and diminish the capability to counter the threat from terrorism.
12. I am advised that the processing that was applied to the data that has been decrypted from the hard drive is such that each document has to be reconstructed into a legible format prior to it being fully assessed. So far only 75 documents have been reconstructed since the property was initially seized. This represents only a tiny fraction of what was seized.
13. The MPS have been working with the appropriate partners across government, and we have shared material with these partners.
14. The material discloses approximately 58,000 UK documents of the highest level of classification which we believe have been stolen from GCHQ. Disclosure of any information contained within those documents would be gravely injurious to UK interests, would directly put lives at risk and would pose a risk to public safety and diminish the ability to counter terrorism. Potentially the possession of that information may constitute offences under section 58 and 58A of TACT 2000 and the Official Secrets Acts.
15. Beyond the obligation to investigate allegations of crime, the primary functions of the Police are to protect life and prevent crime. It is already obvious that a gross breach

SIGNED  DATED 27.8.2013

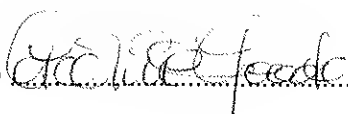
the MPS to access the data, interpret the threat posed by those documents and take steps to mitigate the risk. Should the court order that the MPS is no longer allowed to share the data, the MPS would be severely hindered in their efforts to access the material as the expertise of other partners is pivotal to those efforts.

18. All of the downloaded data may form part of criminal proceedings and as such will be detained by police under schedule 7 of TACT, for as long as is necessary.

Conclusion

19. There is an urgent need for the MPS to inspect, copy, disclose, examine, transfer or otherwise interfere with the material that was seized from Mr Miranda on the 18th August 2013 for the purposes of criminal investigations into offences relating to section 40(1)(a) TACT and offences under the Official Secrets Act.

SIGNED



DATED

27.8.2013